



CHAIRMAN

Federal Communications Commission
Washington, D.C.

January 4, 2005

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The Honorable Fred Upton
Chairman
Subcommittee on Telecommunications and the Internet
Committee on Energy and Commerce
2415 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton:

Thank you for your letter dated December 10, 2004, regarding the Air-Ground and Airborne Cellular rulemaking proceedings (WT Docket Nos. 03-103 and 04-435). In your letter, you express support for reasonably-priced broadband voice and data services for the traveling public.

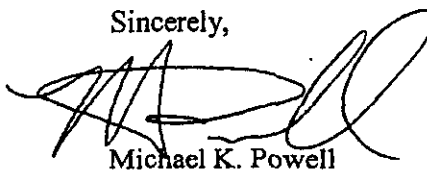
On December 15, 2004, the Commission adopted an *Order* that reflects a flexible approach for licensing the 4 MHz of spectrum in the 800 MHz band currently dedicated to commercial air-ground service. Rather than choosing a particular business plan for this spectrum, the Commission decided to auction new licenses in three possible band plan configurations, where the ultimate band configuration will be determined based on the results of an auction. To promote competition, and to ensure maximum use of the frequency band for air-ground services, the Commission imposed an eligibility limitation to prevent a single entity from holding new licenses for all 4 MHz of air-ground spectrum. The Commission believes that this action will help bring broadband services to the traveling public onboard aircraft and lead to greater technical, economic, and marketplace efficiency for this spectrum. The Commission also decided not to authorize ancillary services in the band.

In a companion *Order*, the Commission has initiated a rulemaking proceeding that seeks public comment as to whether certain wireless devices could be used onboard airborne aircraft without causing interference to ground-based cellular systems. In particular, the Commission has proposed to relax its ban on the airborne use of cellular telephones, so long as an onboard "pico cell" controls the power level of wireless handsets. The *Order* notes that the Federal Aviation Administration ("FAA") also restricts the use of wireless devices on aircraft and is currently evaluating the potential impact of such devices on aircraft communications and navigation systems. As a result, the Commission's proposals would not be implemented unless the FAA relaxes its restrictions on the airborne use of wireless devices.

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Attached are the two press releases by the Commission that describe the above-mentioned *Orders*. I appreciate your interest in this matter. Please do not hesitate to contact me if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. Powell', written over a horizontal line.

Michael K. Powell

Enclosures

FRED UPTON

5TH DISTRICT, MICHIGAN



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**Congress of the United States
House of Representatives**

December 10, 2004

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The Honorable Michael K. Powell
Chairman
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Dear Chairman Powell:

I am writing in regard to the Federal Communications Commission's (the "Commission") efforts to revise the rules for the spectrum allocated for air-to-ground communications for commercial airline passengers. Today, those who fly on our nation's airlines only have access to a single provider's narrowband air-to-ground service. Such a narrowband service is out of pace with the tremendous array of broadband voice and data services upon which many of those who fly have come to otherwise enjoy and rely in their lives on the ground. Moreover, the current air-to-ground service is priced at a level that, I believe, is out of step with pricing in wireless services provided to consumers on the ground, where there is competition amongst various providers.

The flying public deserves access to high quality broadband air-to-ground service at the lowest possible cost. Therefore, I believe that the Commission not only must promote broadband air-to-ground service, but also must enable competition in the air-to-ground marketplace in order to ensure such service is provided at the lowest possible cost. While competition in the provision of narrowband air-to-ground services did not take shape as originally envisioned by the Commission, I believe that competition in the broadband air-to-ground market has a much greater likelihood of success.

In addition, I would urge the Commission to reject any changes to the current air-to-ground service rules that would permit the provision of ancillary services with air-to-ground service. I believe the potential for

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harmful interference from ancillary services to other bands is too great to warrant such a policy at the current time.

Finally, as I understand it, the Commission will soon begin its consideration of whether there are technical solutions to permit passengers to use their own wireless devices on airplanes without interfering with airplane navigational devices. I believe many consumers would welcome the ability to use their own wireless devices on airplanes if possible, so I urge the Commission to do all that it can to expeditiously determine whether there is a way to permit such use without causing interference with airplane navigational devices.

Thank you for your consideration of my views.

Very truly yours,

A handwritten signature in black ink, appearing to read "Fred Upton", written in a cursive style.

Fred Upton

Chairman

House Energy and Commerce

Subcommittee on Telecommunications
and the Internet